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January 4, 2012

**VIA ELECTRONIC FILING**

Hon. Michael A. Shipp, U.S.M.J.  
U.S. District Court, District of New Jersey  
50 Walnut Street  
Newark, New Jersey 07102

**Re: Dare Investments, LLC v. Chicago Title Ins. Co., Case No.: 10-6088**

Dear Judge Shipp:

We represent Chicago Title Insurance Company ("Chicago Title") and write as a follow up to our letter this morning in light of a letter we received today on behalf of Dare Investments, LLC ("Dare") sent to the LeClair Ryan firm, a copy of which is attached hereto (we excluded the Dare's December 30, 2011 submission referenced therein as the Court already received a copy of the same). In Dare's letter from today, it has effectively, if not directly, informed LeClair Ryan not to produce documents Chicago Title had subpoenaed from LeClair Ryan (i.e., the attorney-client communications Dare had with its counsel prior to August 14, 2007). While Chicago Title believes this position is incorrect for the reasons set forth in its prior submissions, this raises a timely issue as these documents were needed before the deposition Dare is scheduled to take of a witness this Monday, January 9, 2011, in Utah. Accordingly, Chicago Title respectfully requests a brief conference call with the Court and counsel to address this issue at Your Honor's earliest convenience today or tomorrow. Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "M. O'Donnell", written over the word "Respectfully,".

Michael R. O'Donnell

cc: All counsel of record via ECF  
4197478.1

## THE STROJNIK FIRM LLC

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January 4, 2012

Paul Drobbin, Esq.  
LECLAIR RYAN  
One Riverfront Plaza  
1037 Raymond Boulevard, Sixteenth Floor  
Newark, New Jersey 07102

**VIA ELECTRONIC MAIL: paul.drobbin@leclairryan.com**

Re: Riker Danzig's 1-3-12 Correspondence  
Dare Investments LLC v. Chicago Title Insurance Company,  
No. 2:10-cv-06088-DRD-MAS

Dear Mr. Drobbin:

My Firm represents the interests of Plaintiff Dare Investments LLC in the matter above styled. Yesterday, you received a letter via electronic mail from counsel for Chicago Title requesting that you produce certain documents. In the correspondence, counsel for Chicago Title makes some inaccurate representations concerning an alleged waiver of the attorney-client privilege on Dare Investments' behalf. Please allow this correspondence to correct these inaccuracies.

Counsel for Chicago Title states that "*Dare agrees that it waived any attorney-client privilege with regard to its communications with counsel prior to August 14, 2007.*" Correspondence at 2. (emphasis supplied). This is not entirely true. Dare did agree to waive the privilege on the condition that Chicago Title agreed to the relevance and materiality of the documents subject to the privilege. Chicago Title initially agreed to the relevance and materiality of the documents but later reneged. In light of what we interpret as Chicago Title's unscrupulous about face on the issue, it does not appear there is an agreement to waiver at this time. That issue is currently before the Court at Docs. 71 and 72. A copy of Dare's letter to the Court is attached for your information. (Doc. 72).

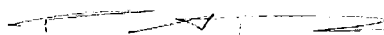
Counsel for Chicago Title again states "*given the waiver of the attorney-client privilege noted above, there can be no question that those depositions will go forward.*" Correspondence at 2 (emphasis supplied). Once again, there has been no waiver for the reasons set forth above. Once Chicago Title agrees to the relevance and materiality of the

documents, then Dare will agree to the waiver of the privilege. We will promptly notify you once the Court signs our proposed Order stating the same.

Counsel for Chicago Title states that “under the circumstances, we will need to hear back from you by this Friday, January 6, 2012, or we will need to seek relief from the Court to protect our client’s interests.” (emphasis in original). As stated above, the Court has not yet signed off on Dare’s agreement to waive the privilege and Chicago Title’s agreement that the privileged documents are relevant and material to the veracity of Dare’s coverage claims and Chicago Title’s defenses thereto.

I am hopeful this information is helpful to you and your Firm in performing your obligations pursuant to the Subpoena referenced in Chicago Title’s correspondence. If I may, I will keep you promptly informed of the resolution of the issues discussed herein. Thank you.

Very Truly Yours,



Peter Kristofer Strojnik

CC via electronic mail:

Peter Strojnik, Esq.  
Christopher Humphrey, Esq.  
Michael O'Donnell, Esq.  
Derick Freijomil, Esq.  
Jonathan Sandler, Esq.